

**Drawings Objection**

In Section 1 of the Office Action, the Examiner objects to the drawings as to failing to comply with 37 CFR 1.85 (a).

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 2, 4, and 6 are being presented as a new formal drawing sheets to be substituted for the previously submitted drawing sheets. Figures 2, 4, and 6 have been amended.

The specific changes which have been made to Figures 2, 4, and 6 are the black shading has been removed.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 7, and 16 are requested to be cancelled.

Claims 1, 12, and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment and Reply, Claim 1, 3-6, 8-15, and 17-20 will be pending.

**Claim Rejections – 35 U.S.C. § 112**

On page 4 of the Office Action, claim 16 is rejected under 35 U.S.C. § 112. Applicants have cancelled claim 16, thus, withdrawal of the rejection is requested.

Also on page 4 of the Office Action, claim 12 is rejected under 35 U.S.C. § 112. The Examiner posits that “the seating apparatus cover having the plurality of pockets” lacks antecedent basis. Claim 12 has been amended to overcome this rejection. Thus, withdrawal of the rejection is requested.

**Claim Rejections – 35 U.S.C. § 102**

On page 5 of the Office Action, claims 1, 2, 4, 5, 8, 10, 17, and 19 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,857,649 (Patton). Applicants traverse the rejection. Further, Applicants reserve the right to swear behind Patton.

Claim 1 requires “a plurality of discipline condition indicators.” Patton does not disclose this required element. Rather, Patton discloses accessories 36 attached to a support stick 37 for decorative purposes or to complement a costume. (See Patton, Col. 4, lines 28-40.) There is no mention of discipline condition indicators. Claims 4, 5, 8, and 10 depend from claim 1 and also require “a plurality of discipline condition indicators.” Claim 2 has been cancelled.

A rejection under 35 U.S.C. § 102 requires the reference show each and every element of the claim. As explained above, Patton does not show all the elements of claim 1 or its dependent claims. As such, the

rejection cannot be properly maintained. Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 4, 5, 8, and 10.

Claim 17 requires “flags that...indicate discipline conditions.” As discussed above relative to claim 1, Patton does not disclose any indicators of discipline conditions. Patton discloses ornamentation for a wheelchair. (See Abstract). Claim 19 depends from claim 17 and also requires “flags that...indicate discipline conditions.” Accordingly, the rejection of claims 17 and 19 cannot be properly maintained. Applicants respectfully request withdrawal of the rejection of Claims 17 and 19

#### *Claims 1-3*

On page 6 of the Office Action, claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,306,869 (Oettinger et al.) Applicants traverse the rejection. As mentioned above, a rejection under 35 U.S.C. § 102 must show each and every limitation of the claim. Claim 1 has been amended to include the limitations of claim 2.

Oettinger et al. does not show a stop flag, a think flag, or a go flag. In Col. 2, lines 21-36 of Oettinger et al., the aid 10 is described as having circular discs 24, 25, 26 preferably fabricated from a magnetic material. Circular discs are not flags. As such, Oettinger et al. does not show each and every limitation of claims 1 and 3, as is required for a proper rejection under 35 U.S.C. § 102. Applicants respectfully request withdrawal of the rejection.

#### **Claim Rejections – 35 U.S.C. § 103**

On page 6 of the Office Action, claim 3 is rejected under 35 U.S.C. § 103 as unpatentable over Patton in view of Oettinger et al. Applicants traverse the rejection.

Claim 3 depends from claim 1, and, thus, requires “discipline condition indicators.” As discussed above, Patton never discusses or suggests discipline at all, rather Patton is directed to ornamentation. Examiner states that Oettinger et al. teaches use of flags. However, as discussed above, Oettinger et al. only describes circular discs and there is no suggestion in Oettinger et al. to modify the circular discs to be flags. Indeed, Oettinger et al. suggests the circular discs be magnetic – something not characteristic of a flag.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the rejection.

In pages 7-11 of the Office Action, the Examiner rejects a number of claims under 35 U.S.C. § 103 as unpatentable over Patton in view of U.S. Patent D257,473 (Wilson) (claim 6), U.S. Patent 2,350,679 (Hahn) (claim 7), U.S. Patent 5,683,137 (McDonald et al.) (claim 9), Oettinger et al. (claims 11, 12, 13, and 14), Oettinger et al. and U.S. patent 5,482,352 (Leal et al.) (claim 15), Oettinger et al. (claim 18), and McDonald et al. (claim 20). Applicants traverse all of the rejections.

All of the rejections fail to meet the requirements for a proper rejection under 35 U.S.C. § 103. Patton does not disclose or suggest “discipline condition indicators” as required by claims 6, 7, and 9; “flags representing discipline state conditions” as required by claims 11-15; and “flags that...indicate discipline conditions” as required by claims 18 and 20. All of the additional references cited by the Examiner also fail to provide these teachings.

A rejection under 35 U.S.C. § 103 cannot be properly maintained where the references do not teach or suggest all of the elements required by a claim. Accordingly, Applicants respectfully request withdrawal of the several rejections from pages 7 to 11 of the Office Action.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

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Respectfully submitted,

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